

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

JEREMY JOHN WEIS  
Plaintiff

V

WARDEN PHILBIN et al  
Defendants

CV 120-097

OBJECTION TO REPORT

AND RECOMMENDATION

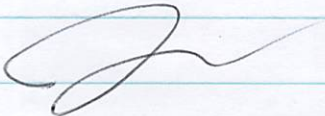
FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2020 DEC 10 A 9:09

CLERK  
SO. DIST. OF GA.

COMES NOW, JEREMY JOHN WEIS, PLAINTIFF IN OBJECTION TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION. FOR THE FOLLOWING REASON. THE PRISONER LITIGATION REFORM ACT (PLRA) WAS INTENDED TO CURTAIL FRIVOLOUS PRISONER LITIGATION 18 U.S.C. § 3626. HOWEVER THE PREVIOUS FILLINGS THAT THE MAGISTRATE IS APPLYING "STRIKES" TO DO NOT MEET THE STANDARD OF A "STRIKE" ACCORDING TO THE LANGUAGE OF THE PLRA, A COMPLAINT THAT IS DISMISSED AS BEING "FRIVOLOUS, MALICIOUS OR FOR FAILURE TO STATE A LEGAL CLAIM" SHOULD BE COUNTED TOWARD BARRING A PRISONER FROM FUTURE FILLINGS. THEREFOR ONLY ONE OF THE PAST FILLINGS MEET THIS STANDARD THE OTHER TWO PROCEEDED WELL BEYOND THE MAGISTRATE'S R AND R AND WERE LOST ON GROUNDS DIFFERENT FROM THAT WHICH IS CONSIDERED A "STRIKE" BY THE STANDARDS LAYED OUT IN THE PLRA. WHEREFORE PLAINTIFF WOULD ASK THE COURT TO ALLOW HIM TO PROCEED IN FORMA PAUPERIS AND PROCEED WITH THE UNFRIVOLOUS CASE BEFORE THIS COURT.

SUBMITTED THIS THE 21<sup>ST</sup> DAY OF NOVEMBER, 2020.

  
JEREMY J. WEIS

#1002755140

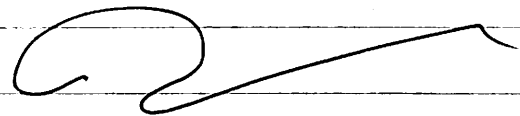
## CERTIFICATE OF SERVICE

I JEREMY JOHN WEIS ATTEST UNDER PENALTY OF  
PERJURY THAT I CAUSED TO BE SERVED A COPY OF FOREGOING  
OBJECTION TO MAGISTRATES REPORT AND RECOMMENDATION  
UPON:

- 1) WARDEN EDWARD PHILBIN
- 2) UNIT MANAGER CLIFFORD BROWN
- 3) OFFICER FINU FLUKER

BY PLACING A COPY OF MOTION IN A INDIVIDUAL ENVELOPE  
AND PRINTING THE NAME OF EACH DEFENDANT ON EACH ENVELOPE  
AND MARKING EACH AS INTERNAL PRISON MAIL AND PLACING  
THEM IN THE PRISON MAILBOX FOR DELIVERY.

ON THIS THE 21<sup>ST</sup> DAY OF NOVEMBER, 2020.



JEREMY JOHN WEIS

#1002755140

A.S.M.P

3001 GORDON HWY

GROUETOWN GA. 30813

JEREMY WEISS 1002755140  
AUGUSTA STATE MEDICAL PRISON  
3201 GORDON HWY  
GROUETOWN GA  
30813

AUGUSTA GA 309

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CLERK OF COURT  
P.O. BOX 1130  
AUGUSTA GEORGIA 30903

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